

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)	
)	
Plaintiff, and)	
)	
STATE OF NEW HAMPSHIRE,)	
)	
Plaintiff-Intervenor,)	CIVIL NO. 1:09-cv-283-PB
)	
v.)	
)	
CITY OF PORTSMOUTH, NEW HAMPSHIRE,)	
)	
Defendant.)	

AFFIDAVIT OF NANCY CARMER

I, Nancy Carmer, being duly sworn, depose and state as follows:

1. I am employed by the City of Portsmouth as the Economic Development Program Manager. I have been employed with the City since 1986. In my capacity of Economic Development Program Manager, I am responsible for business attraction and retention, workforce development activities, and interfacing with various business associations and professionals including the Chamber of Commerce and state and regional economic development offices. I also support the City's Economic Development Commission, a nine member volunteer commission charged with ensuring continued economic prosperity, sustainability and preservation of the qualities that attract and retain businesses in the community. My employment responsibilities include acting as the City Manager's liaison to Art-Speak, the City's Cultural Commission and other local arts and cultural organizations in promoting the city's creative economy.

2. Over the course of my employment with the City of Portsmouth, I have worked with the Prescott Park Arts Festival (PPAF) which is responsible for the popular entertainment programming offered at the City's premier waterfront park which is located in downtown Portsmouth across a narrow channel from Peirce Island. The causeway access to Peirce Island is immediately adjacent to Prescott Park.

3. According to recent information from PPAF Executive Director Ben Anderson, over 220,000 visitors attended events at Prescott Park last year. The variety of programming can be found at www.prescottpark.org and includes popular theater shows, diverse music

offerings, movies, festivals, dance performances and more from approximately May to September. Many of the performances are evening events.

4. Local businesses support PPAF through sponsorships and some report that their choice to locate near Prescott Park is influenced by the pedestrian traffic that can be expected during the PPAF season.

5. The Arts & Economic Prosperity IV study conducted by Americans for the Arts estimated that PPAF contributes over \$6 million to the economy, much of that in the way of local revenues and jobs.

Signed under the pains and penalties of perjury this ____ day of _____, 2013.

Nancy Carmer, Economic Development Program
Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ____ day of _____, 2013, **Nancy Carmer**, personally appeared before me and swore that the foregoing was true to the best of his **knowledge** and belief.

In witness whereof I hereunto set my hand and official seal.

Justice of the Peace /Notary Public
My commission expires: _____

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

Plaintiff, and

STATE OF NEW HAMPSHIRE,

Plaintiff-Intervenor,

v.

CITY OF PORTSMOUTH, NEW HAMPSHIRE,

Defendant.

CIVIL NO. 1:09-cv-283-PB

AFFIDAVIT OF MELVIN WILSON JR.

I, Melvin Wilson Jr., being duly sworn, depose and state as follows:

1. I am employed by the City of Portsmouth as the Director of Recreation, a position I have held for over 20 years. I was originally hired by the City of Portsmouth in November of 1978 as a Recreation Supervisor, with responsibility for supervising the city's outdoor pool. Since 1978 I have had supervisory responsibility for the outdoor pool and all the financial and programming responsibilities.

2. The Portsmouth Outdoor Public Pool is located on Peirce Island. See attached aerial photograph showing the location of the pool and the parking areas that are most frequently utilized by pool visitors.

3. The pool is open during the summer months from approximately the third week of June to late August, a period of nine weeks. The pool is open 7 days a week, generally Mon.-Fri 9:30 a.m. - 5:15 p.m., Sat. and Sun. 11 a.m.-5:15 p.m. This season the pool is open until 7:30 p.m. on Tuesday and Wednesday nights.

4. The pool serves in the range of 25,000 users each year, as well as free lessons for approximately 700 resident children. The majority of users are Portsmouth residents, but pool visitors include many from adjacent seacoast communities such as Greenland, Newington, New Castle and Rye that lack such a facility.

5. Swimming classes are an important part of the programming provided by the pool. Attached is the pool schedule for this summer.

6. It is the present intention of the City to maintain the operation of the pool during the construction of the upgrade to the Peirce Island Wastewater Treatment Facility. To do so, this will require careful coordination with the Department of Public Works, the contractor engaged for the construction efforts, and other stakeholders as the safety risks for pool patrons, many of whom are children, are significant.

7. The greater the amount of construction activity on Peirce Island, particularly an increase in construction vehicle traffic and hours of work, will make the City's ability to manage that safety risk even more difficult. If the safety of pool visitors cannot be managed effectively, the City will consider closing the pool. This would be a huge loss to Portsmouth residents and the residents of surrounding communities.

Signed under the pains and penalties of perjury this _____ day of _____, 2013.

Melvin Wilson Jr., Director of Recreation

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this _____ day of _____, 2013, Melvin Wilson Jr., personally appeared before me and swore that **the foregoing** was true to the best of his knowledge and belief.

In witness ~~whereof~~ I hereunto set my hand and official seal.

Justice of the Peace /Notary Public
My commission expires: _____